

Commercial Motor Vehicle Enforcement Quarterly



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Captain's Corner

Captain Robert R. Powers, Jr.

Applications for the Michigan Association of Chiefs of Police (MACP) Award for Excellence in Commercial Vehicle Safety and the MACP Award for Excellence in Traffic Safety are now posted on the MACP Website at WWW.MichiganPoliceChiefs.org.

Please note that the deadline for submitting applications for both awards has been changed to December 11, 2009.

The Commercial Vehicle Safety Alliance (CVSA), is an international not-for-profit company comprised of local, state, provincial and federal law enforcement and motor carrier safety officials as well as industry representatives who share a common goal to improve truck safety. CVSA has many resources available to assist member agencies in enhancing their commercial vehicle enforcement and safety programs.

Recently CVSA launched a membership drive targeting local and county law enforcement agencies. To Learn more about the many benefits your agency might derive as a CVSA member, go to www.CVSA.org. You may also contact CVSA's local agency representative, Officer Ralph (Tom) Jacques from the Pittsburgh Police Department at Ralph.Jacques@city.pittsburgh,PA.US or by phone at (412) 812-2078.

Distracted driving has become a subject of importance and urgency in the world of traffic safety. Each year in the United States, thousands of traffic crashes occur and hundreds of lives are lost because of texting, cell phone use, and many other distracting activities that take place behind the wheel of all types of vehicles, including large trucks and buses. In response to this epidemic, U.S. Secretary of Transportation recently convened a two-day summit in Washington to better define the problem and develop an action plan to confront this problem. More information can be found at www.dot.gov. I urge you to monitor your own behaviors while driving, to consider adopting a policy for your agency that prohibits behaviors that contribute to distracted driving, and place more emphasis on providing intervention at the roadside. I am certain we will all hear more about this subject in the days to come.

As we enter Fall, and with Winter and the shorter periods of daylight and bad weather fast approaching please be extra careful as this is the time of the year when crash rates typically increase.

In closing I want to wish you all a safe and enjoyable Holiday Season.

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SIZE AND WEIGHT

Automobile Transporter

A recent federal interpretation has created some inconsistencies with the definition of an automobile transporter found within the Code of Federal Regulations (23 CFR 658) and the Michigan Motor Vehicle Code (257.719).

It is the Federal Highway Administration's (FHWA) position that in order for specialized equipment to meet the definition of an automobile transporter under 23 CFR 658.13(e)(1), the entire vehicle combination must be designed for the transportation of assembled vehicles. If the power unit is not designed and equipped with vehicle-carrying capability then the combination is not considered an automobile transporter regardless of the trailer's design or commodity carried.

Unlike the Code of Federal Regulations (23 CFR 658) the Motor Vehicle Code (Act 300) does not have a definition for an automobile transporter. Therefore, the maximum allowable length for a combination of a truck and semi trailer or trailer, or a truck tractor, semi trailer, and trailer, or truck tractor and semi trailer is based on the commodity carried - assembled motor vehicles or bodies.

To be consistent with the recent federal interpretation it is the policy of the Traffic Safety Division that tractor-trailer combinations in which the power unit is not designed to haul an assembled vehicle will no longer be considered automobile transporters under 23 CFR 658.13(e)(1) while operating on designated highways (green and gold routes). A tractor-trailer combination hauling assembled vehicles will not have an overall length provided the semi trailer does not exceed 53 feet. Any overhang from an assembled vehicle will be included when determining the maximum allowable length of the semi trailer.

Tractor-trailer combinations designed and used exclusively to transport assembled motor vehicles or bodies, including those not designed to haul an assembled vehicle on the power unit will be limited to an overall length of 65 feet as specified in the Michigan Motor Vehicle Code (257.719) while operating on all non-designated routes.

MEDICAL MARIJUANA

Recently, the Department of Justice (DOJ) issued guidelines telling Federal prosecutors not to seek prosecution, in states that have enacted laws authorizing the use of "medical marijuana." http://www.justice.gov/opa/documents/medical_marijuana.pdf.

There have been several inquiries about whether the DOJ advice to Federal prosecutors regarding pursuing criminal cases will have an impact upon the Department of Transportation's longstanding regulation about the use of marijuana by safety sensitive transportation employees, such as, school bus drivers and truck drivers.

USDOT has made it perfectly clear that the DOJ guidelines will have no bearing on the Department of Transportation's regulated drug testing program. The USDOT will not change the regulated drug testing program based upon these guidelines to Federal prosecutors.

The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize "medical marijuana" under a state law to be a valid medical explanation for a transportation employee's positive drug test result.

Therefore, Medical Review Officers will **not** verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana.